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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephan Blicher

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10/20/2008

THE MAXHAM FIRM

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EXAMINER

JAIN, ANKUR

ART UNIT

PAPER NUMBER

2618

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/570,557	BLICKER ET AL.	
	Examiner	Art Unit	
	ANKUR JAIN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) 9, 12, and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 9, 12, and 14-16** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 2nd, 2008.

Applicant's election with traverse of **Species 2 (claims 10-11 and 13)** in the reply filed on July 2nd, 2008 is acknowledged. The traversal is on the ground(s) that all of the pending claims are not believed to create an undue burden and the subject matter among the species is not independent and distinct. **This is found persuasive and the Examiner will examine all of claims 9-16.**

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 10** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation, "identifying the PoC application

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server of the additional group by an address derived from a group address assigned to the existing groups of the session,” is considered new matter because the specification is silent as to this limitation. At most, the specification discloses how operator 2 provides a PoC application server 14 (PoC AS) which hosts a Push-to-Talk group which is identified by an address, for example. In addition, the PoC application server 14 of Operator 2 may be identified by an address derived from the group address. However, there is no mention of “identifying the PoC application server of the additional group by an address derived from a group address assigned to the existing groups of the session.” **Claims 11 and 13** are also rejected under 112 1st Paragraph as a result of having a dependency with claim 10. Thus, the prior rejections are maintained.

Information Disclosure Statement

4. The information disclosure statement filed September 17th, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 9-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al, US 2002/0077136 A1 (hereafter referenced as Maggenti), in view of Crocker et al, US 2005/0009537 A1 (hereafter referenced as Crocker), and further in view of Bensimon et al, US 2004/0047332 A1 (hereafter referenced as Bensimon).

Regarding **Claim 9**, the claim is rejected for the same reasons as outlined by claim 10 below. "First network operator" reads on MSC 28 in Paragraphs 0042 and 0043 of Maggenti. "Push-to-Talk over a communication system (PoC) application server" reads on CM 18, which is incorporated into MSC 28. "Second network operator" reads on the internet protocol (IP) network 151 in Paragraph 0017 of Crocker.

Regarding **Claim 10**, Maggenti teaches "a method for push-to-talk communication between the members of an existing push-to-talk communication session within a first communication network operated by a first network operator using

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a Push-to-Talk over a communication system (PoC) application server” (see Abstract, Paragraph 0034, and Figure 3). Maggenti does not teach “a group of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group.” However, Crocker generally teaches “a group of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group” (see Paragraph 0017, Paragraph 0024, and Figure 2). Presence server 161 is read on by the “application server.” It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Maggenti to incorporate a group of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group as taught by Crocker, for the purpose of enhancing the feasibility and versatility of the wireless communication system by increasing the number of devices utilized and the number of servers. The combination of Maggenti and Crocker does not teach “connecting the additional group to each of the existing groups of the session and synchronizing the application server of the additional group to the previous application server.” However, Bensimon generally teaches “connecting the additional group to each of the existing groups of the session and synchronizing the application server of the additional group to the previous application server” (see Abstract, Paragraph 0021, and Figure 1). It would have been obvious for

one of ordinary skill in the art at the time the invention was made to modify the combination of Maggenti and Crocker with the above mentioned limitations as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and by making a connection between the additional group and the existing group.

Regarding **Claim 11 and Claim 12**, the combination of Maggenti and Crocker does not teach "wherein the synchronization is carried out automatically by the PoC application servers." However, Bensimon generally teaches "wherein the synchronization is carried out automatically by the PoC application servers" (see Abstract, Paragraph 0021, and Figure 1).

Regarding **Claim 13 and Claim 14**, the combination of Maggenti and Crocker does not teach "wherein the synchronization is carried out whenever a user requests update of all group members of the PoC groups before sending a PoC message." However, Bensimon generally teaches "wherein the synchronization is carried out whenever a user requests update of all group members of the PoC groups before sending a PoC message" (see Abstract and Paragraph 0023). The terminals can "request an update of all group members" when there is subscription sharing. Also, since there is "synchronization" between the servers and between the servers and terminals, the "synchronization can be carried out whenever a user requests update of all group members."

Regarding **Claim 15**, Maggenti teaches a system for push-to-talk communication between push-to-talk groups of at least two communication networks, the system

comprising: "one common group management system" (see Paragraph 0056 and Figure 3). Maggenti does not teach "at least one subsystem for each network operator consisting of at least one push-to-talk communication application server." However, Crocker generally teaches "at least one subsystem for each network operator consisting of at least one push-to-talk communication application server" (see claim 9, Paragraph 0017, Paragraph 0024, and Figure 2). Presence server 161 is read on by the "application server."

Regarding **Claim 16**, Maggenti teaches "wherein the communication networks are radio communication networks" (see Paragraph 0063 and Figure 4).

Response to Arguments

6. Applicant's arguments filed July 2nd, 2008 have been fully considered but they are not persuasive. The Examiner respectfully submits that the claim 10 is taught by the combination of Maggenti, Crocker, and Bensimon. Maggenti teaches "a method for push-to-talk communication between the members of an existing push-to-talk communication session within a first communication network operated by a first network operator using a Push-to-Talk over a communication system (PoC) application server" (see Abstract, Paragraph 0034, and Figure 3). Maggenti does not teach "a group of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group." However, Crocker generally teaches "a group of an additional communication network operated by a

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second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group” (see Paragraph 0017, Paragraph 0024, and Figure 2). Presence server 161 is read on by the “application server.” It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Maggenti to incorporate a group of an additional communication network operated by a second network operator, using a Push-to-Talk over a communication system (PoC) application server, and also identifying the PoC application server of the additional group as taught by Crocker, for the purpose of enhancing the feasibility and versatility of the wireless communication system by increasing the number of devices utilized and the number of servers. The combination of Maggenti and Crocker does not teach “connecting the additional group to each of the existing groups of the session and synchronizing the application server of the additional group to the previous application server.” However, Bensimon generally teaches “connecting the additional group to each of the existing groups of the session and synchronizing the application server of the additional group to the previous application server” (see Abstract, Paragraph 0021, and Figure 1). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Maggenti and Crocker with the above mentioned limitations as taught by Bensimon, for the purpose of enhancing and increasing system efficiency by introducing the concept of synchronization and by making a connection between the additional group and the existing group. In addition, claim 9 further supports claim 10 by disclosing that the “first network operator” reads on MSC 28 in Paragraphs 0042 and

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0043 of Maggenti. "Push-to-Talk over a communication system (PoC) application server" reads on CM 18, which is incorporated into MSC 28. "Second network operator" reads on the internet protocol (IP) network 151 in Paragraph 0017 of Crocker. In regards to claim 13, the combination of Maggenti and Crocker does not teach "wherein the synchronization is carried out whenever a user requests update of all group members of the PoC groups before sending a PoC message." However, Bensimon generally teaches "wherein the synchronization is carried out whenever a user requests update of all group members of the PoC groups before sending a PoC message" (see Abstract and Paragraph 0023). The terminals can "request an update of all group members" when there is subscription sharing. Also, since there is "synchronization" between the servers and between the servers and terminals, the "synchronization can be carried out whenever a user requests update of all group members."

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ankur Jain whose telephone number is 571-272-9747. The examiner can normally be reached on M-F, 7:30 am to 5:00 pm, EST, Alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuwen Pan, can be reached on 571-272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ankur Jain/

Examiner, Art Unit 2618

10/10/2008

/Yuwen Pan/

Primary Examiner, Art Unit 2618